Supreme Court, U. S.
FILED
APR 10 1978
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1977

No. 77-1256

MICHAEL BARONE,
Petitioner

v.

SUSAN GRAHAM BARNES, JUDGE, et al.,
Respondents

BRIEF IN OPPOSITION

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BRIEF IN OPPOSITION

The petitioner makes an utterly frivolous attack on the Colorado Uniform Dissolution of Marriage Act, C.R.S.1973, 14-10-101, and his petition should be denied. Mr. Barone's complaint was dismissed by the district court for failure to state a claim and the court of appeals affirmed in an opinion not selected for routine publication.

The four issues raised by the petitioner are summarized by the court of appeals at p. 29 of the appendix to the petition. The court concluded that the petitioner lacked standing to assert that the act violated the Equal Protection Clause because he failed to show injury in fact.

On the other issues, the court found that marriage is not a contract within the meaning of Article I, Section 10 of the United States Constitution; that "irreconcilable breakdown" is not an unconstitutionally vague ground for dissolution of marriage; and that Mr. Barone was not enslaved because he was required to pay support to his former spouse. Each of the court's conclusions was correct and in accordance with the case law. *See In re Marriage of Franks*, 542 P.2d 845 (Colo. 1975), *cert. denied* 423 U.S. 1043 (1976).

Because the issues were fully analyzed by the two courts below, that discussion will not be repeated here. The state respondents incorporate that analysis by reference.

CONCLUSION

The state respondents submit that the case was correctly decided below and urge this court to deny the petition.

Respectfully submitted,

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